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10 Attorneys for Defendant
11 TOSHIBA AMERICA INFORMATION SYSTEMS, INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHAEL SIMON, individually, and on
behalf of all others similarly situated,

Plaintiffs,

vs.

TOSHIBA AMERICA, INC., a Delaware
corporation, and TOSHIBA AMERICA
INFORMATION SYSTEMS, INC., a
California corporation,

Defendants.

Case No. C07-06202 MHP

JOINT STIPULATION TO CONTINUE
LITIGATION DEADLINES; [PROPOSED]
ORDER THEREON

Honorable Marilyn H. Patel
Courtroom 15

JOINT STIPULATION TO CONTINUE LITIGATION
DEADLINES; [PROPOSED] ORDER THEREON

1 WHEREAS, plaintiff Michael Simon and defendant Toshiba America Information
2 Systems, Inc. ("TAIS") are continuing to explore the possibility of an early resolution of this
3 matter;

4 WHEREAS, consistent with those efforts, the parties have had numerous discussions,
5 informally exchanged information, and conducted two in-person meetings;

6 WHEREAS, as a result of those efforts, the parties have recently exchanged settlement
7 proposals and are currently engaged in settlement negotiations;

8 WHEREAS, the parties have made significant progress toward a settlement-in-principle in
9 recent weeks;

10 WHEREAS, given and to facilitate the parties' ongoing settlement efforts, and to avoid
11 the time and expenses associated with full-blown litigation that may become unnecessary, the
12 parties desire to continue to stay the litigation activity in this case and further continue TAIS's
13 deadline to respond to the Complaint and the Rule 26 Joint Report for two weeks;

14 WHEREAS, if the parties are able to reach an early resolution of this action, they may
15 seek to further extend the litigation deadlines, subject to Court approval;

16 WHEREAS, the parties will prepare and file a Joint Status Conference Statement with the
17 Court no later than June 30, 2008, and report the settlement progress to the Court at the currently
18 scheduled Case Management Conference on July 7, 2008, at 3:00 p.m.;

19 NOW, THEREFORE, IN LIGHT OF THE FOREGOING, IT IS HEREBY
20 STIPULATED AND AGREED by and between plaintiff, on the one hand, and TAIS on the other
21 hand, by and through their respective undersigned counsel, as follows:

22 1. The parties will file a Joint Status Conference Statement with the Court no later
23 than June 30, 2008, and report the status of the ongoing settlement negotiations at the currently
24 scheduled Case Management Conference on July 7, 2008, at 3:00 p.m.;

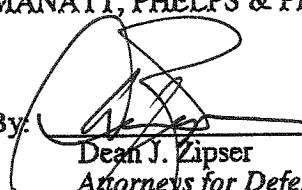
25 2. The deadline for TAIS to file and serve its initial response to the First Amended
26 Complaint shall be extended to and including July 10, 2008;

27 3. The deadline for the parties to submit the Rule 26 Joint Report shall be extended to
28 and including July 14, 2008;

1 4. This Stipulation may be executed in counterparts, each of which shall be deemed
 2 an original, but both of which, when taken together, shall constitute one and the same instrument.
 3 Executed signature pages of this Stipulation transmitted by facsimile shall be accepted by the
 4 parties hereto and the Court as though they were original signature pages.

5 Dated: June 25, 2008

6 DEAN J. ZIPSER
 7 ADINA L. WITZLING
 8 MANATT, PHELPS & PHILLIPS, LLP

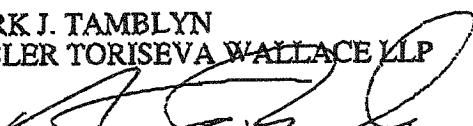
9 By: 

10 Dean J. Zipser
 11 Attorneys for Defendant
 12 TOSHIBA AMERICA INFORMATION
 13 SYSTEMS, INC.

14 Dated: June _____, 2008

15 STUART C. TALLEY
 16 KERSHAW, CUTTER & RATINOFF LLP

17 MARK J. TAMBLYN
 18 WESLER TORISEVA WALLACE LLP

19 By: 

20 Stuart C. Talley
 21 Attorneys for Plaintiff MICHAEL SIMON

ORDER

22 Based on the foregoing stipulation of the parties and good cause appearing therefor:

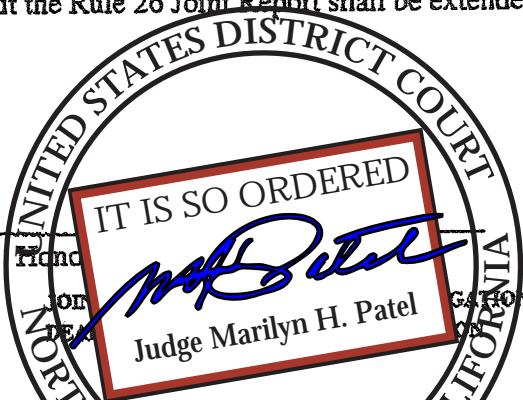
23 1. The parties will file a Joint Status Conference Statement with the Court no later
 24 than June 30, 2008, and report the status of the ongoing settlement negotiations at the currently
 25 scheduled Case Management Conference on July 7, 2008, at 3:00 p.m.;

26 2. The deadline for TAIS to file and serve its initial response to the First Amended
 27 Complaint shall be extended to and including July 10, 2008;

28 3. The deadline for the parties to submit the Rule 26 Joint Report shall be extended to
 and including July 14, 2008.

29 IT IS SO ORDERED:

30 Dated: July 3 _____, 2008

31 By: 

32 3

33 IT IS SO ORDERED

34 Judge Marilyn H. Patel